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Proposed Counsel to the Chapter 7 Trustee,
Richard A. Marshack

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re:

Kristina Lynn Smith,

Debtor.

Case No. 8:24-bk-12527-TA

Chapter 7

**APPLICATION PURSUANT TO 11 U.S.C.
SECTION 327(a) AUTHORIZING THE
RETENTION AND EMPLOYMENT OF
DINSMORE & SHOHL LLP AS GENERAL
BANKRUPTCY COUNSEL FOR
CHAPTER 7 TRUSTEE RICHARD A.
MARSHACK**

Date: No Hearing Required

Time:

Ctrm: 5B

411 West Fourth Street

Santa Ana, California 92701-4593

Judge: Hon. Theodor C. Albert

Richard A. Marshack, court-appointed chapter 7 trustee (the “Trustee”) in the chapter 7 case (the “Case”) of the above-captioned debtor (the “Debtor”), hereby moves the Court for authority to retain and employ the law firm of Dinsmore & Shohl LLP (“Dinsmore”) as general bankruptcy counsel in the Case, pursuant to Section 327(a) of Title 11 of the United States Code (the “Bankruptcy Code”) and Rule 2014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). In support of this Application, the Trustee (i) submits the accompanying Declaration of Matthew J. Stockl (the “Stockl Declaration”); and (ii) respectfully represents:

I. INTRODUCTION

On or about October 3, 2024, the Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court of the Central District of California (the “Court”). On or about October 3, 2024, the Trustee was appointed trustee in the Case. The Trustee seeks to retain and employ Dinsmore as the Trustee’s general bankruptcy counsel in the Case effective October 23, 2024.

II. JURISDICTION

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The relief requested herein is authorized by Section 327(a) of the Bankruptcy Code and Bankruptcy Rule 2014.

III. EMPLOYMENT OF GENERAL BANKRUPTCY COUNSEL

By this Application, the Trustee seeks the entry of an order pursuant to Section 327(a) of the Bankruptcy Code approving the retention and employment of Dinsmore as his general bankruptcy counsel as of October 23, 2024 in the Case to perform the legal services that will be necessary during these proceedings. A proposed form of order is attached hereto as Exhibit “A.”

A. Dinsmore Qualifications

The Trustee seeks Court approval to retain Dinsmore as his counsel to provide legal services as needed in the Case. The Trustee seeks to retain Dinsmore because: (i) Dinsmore has extensive experience in bankruptcy, liquidations, reorganizations, and other areas of law, applicable to the Case; (ii) Dinsmore has extensive experience in representing trustees in both

1 chapter 11 and chapter 7 bankruptcy cases; and (iii) and the Trustee believes that Dinsmore is well
2 qualified to represent the Trustee in the Case as his counsel. This Case largely involves issues
3 related to a divorce proceeding and various assets, including real property. The Trustee believes
4 that Dinsmore will provide its expertise with respect to bankruptcy, family law, and real property,
5 and other relevant issues and will act as counsel for the Trustee in a cost-effective manner.

6 Dinsmore and its lawyers represent a valuable resource upon which the Trustee may draw
7 for assistance in such legal matters as: bankruptcies, intellectual property, real property, business
8 litigation, commercial transactions, real estate matters, property of the estate issues,
9 debtor/creditor rights, and defending and prosecuting federal and state civil claims of all kinds.
10 The Trustee submits that the ability to draw on such resources makes Dinsmore especially
11 qualified to serve as his counsel.

12 Yosina Lissebeck will be the lawyer at Dinsmore with primary responsibility for this
13 engagement. She will be supported by Matthew Stockl and other professionals as the need arises
14 or there are economic efficiencies to be gained thereby. The Trustee has been advised that
15 pursuant to Rule 2014(b) of the Bankruptcy Rules, Court approval of the retention and
16 employment of Dinsmore constitutes employment approval for all of the lawyers at the firm. The
17 Trustee has been informed that Yosina Lissebeck and Matthew Stockl, the lawyers of Dinsmore
18 who will be primarily involved in the Case, are members in good standing of the Bar of the State
19 of California, and all attorneys who will appear before this Court are members in good standing of
20 this Court. Dinsmore intends to use paraprofessionals, supervised by Yosina Lissebeck or
21 Matthew Stockl, whenever efficient and cost-effective to do so.

22 After due consideration and deliberation, the Trustee has concluded that his interests and
23 the interests of the estate and its creditors would be served best by the retention of Dinsmore, as
24 general counsel to render such legal services as are necessary and appropriate in connection with
25 the matters set forth herein and to render such additional legal services as may be required from
26 time to time during the pendency of this Case.

27 Subject to the Stockl Declaration submitted herewith and the disclosures contained therein,
28 Dinsmore has informed the Trustee that Dinsmore does not hold or represent any interest adverse

1 to the Trustee. In addition, to the best of the Trustee's knowledge, no partner or employee of
2 Dinsmore holds or represents any interest adverse to the Debtor's estate, and Dinsmore is
3 "disinterested" within the meaning of Bankruptcy Code Section 101(14). (See, Stockl Declaration
4 at ¶ 8.) The connections of Dinsmore to the Debtor, any known creditors of the Debtor, the estate,
5 the Trustee, the United States Trustee, any person employed by the United States Trustee, or any
6 other known party in interest, including their respective attorneys, are set forth in the Stockl
7 Declaration.

8 **B. Necessity for Employment**

9 The Trustee believes it is necessary to retain counsel to render legal services relating to the
10 day-to-day administration of this Case, as applicable, and disposition of the estate's assets,
11 including real property of the estate, including the following, as applicable:

- 12 1. Preparing on behalf of the Trustee necessary motions, applications, answers,
13 orders, reports, and other pleadings in connection with the administration of the estate or as
14 required by this Court or otherwise pursuant to the Bankruptcy Code, the Bankruptcy Rules, and
15 the Local Bankruptcy Rules for the United States Bankruptcy Court for the Central District of
16 California ("Local Bankruptcy Rules");
- 17 2. Representing the Trustee at hearings regarding or affecting the Debtor or the estate;
- 18 3. Investigation of the Debtor and her financial affairs;
- 19 4. Prosecuting and defending litigated matters that may arise during the Case;
- 20 5. Advising the Trustee with respect to matters in the Case;
- 21 6. Advising the Trustee with respect to the claims (and claims objections) asserted in
22 the Case;
- 23 7. Commencing, conducting, advising or assisting in the same as applicable, any and
24 all litigation or other action necessary or appropriate to assert rights held by the estate or the
25 Debtor, or protect or recover assets of the estate or the Debtor;
- 26 8. Representing the Trustee with respect to sales of assets of the estate, including real
27 property;

1 9. Providing counseling with respect to legal matters which may arise during the
2 pendency of the Case; and

3 10. Performing all other legal services that are necessary for the efficient and economic
4 administration of the Case.

5 **IV. APPROVAL OF EMPLOYMENT RETROACTIVELY IS APPROPRIATE UNDER**
6 **THE CIRCUMSTANCES OF THE CASE**

7 The Trustee is requesting approval of Dinsmore's employment to be made retroactively
8 effective to October 23, 2024 for the Case. The Trustee retained Dinsmore as its legal counsel
9 effective October 23, 2024 for the Case. (*See In re Mahoney, Trocki & Associates*, 54 B.R. 823
10 (Bankr. S.D. Cal. 1985)). Thus, this Application is timely filed within thirty (30) days of the date
11 the Trustee retained Dinsmore for this Case.

12 **V. COMPENSATION AND REIMBURSEMENT OF EXPENSES**

13 The Trustee proposes to pay Dinsmore its customary hourly rates in effect from time to
14 time as set forth below, plus reimbursement of actual, necessary expenses incurred by the firm.
15 Dinsmore's rates are competitive in the markets in Los Angeles, Orange County, and San Diego,
16 California among other attorneys with similar skills, experience, and expertise. Dinsmore intends
17 to apply to the Court for allowance of such compensation and reimbursement of expenses in
18 accordance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the
19 Local Bankruptcy Rules, the standing orders of this Court, and the guidelines, practices, and
20 customs of the United States Trustee.

21 Dinsmore has advised the Trustee that the firm may seek interim compensation during this
22 Case as permitted by applicable sections of the Bankruptcy Code, including Sections 330 and 331
23 and the applicable Local Bankruptcy Rules.

24 Based upon the Stockl Declaration, the Trustee believes that no agreement or
25 understanding exists between Dinsmore and any other entity for sharing compensation to be
26 received for services rendered in or in connection with the Case.

27 **A. Fees**

28 The rates for this Case for some of the primary lawyers and paraprofessionals expected to

be involved in this Case are as follows:

Name	Title	Hourly Rate
Yosina Lissebeck	Partner	\$745
Matthew Stockl	Associate	\$480

The above attorneys' biographies are attached hereto as Exhibit "B."

The Trustee understands that these billing rates are generally updated on or about January 1 of each year, but that the above rates will remain consistent in the case through December 31, 2024. For other professionals, the rate will be the hourly rate generally in effect for the period during which the services were rendered. Because the fees are based on hourly rates and correspond to the experience and expertise of each individual, the terms and conditions of Dinsmore's employment are reasonable. Dinsmore believes that much of the work on this matter can be performed by paraprofessionals under Yosina Lissebeck or Matthew Stockl's close supervision.

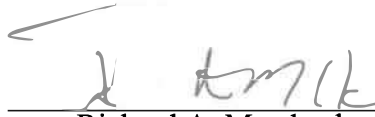
B. Reimbursement of Expenses

In addition to the hourly rates set forth above, Dinsmore customarily charges its clients for items of cost and expense incurred in our work on this matter. Items which will be charged separately include copying, messenger services, filing fees, postage and express services, long distance telephone calls, telecopying, computerized legal research, computer-assisted document preparation, support staff overtime when necessary, and similar items. Dinsmore intends to apply to the Court for allowance of such compensation and reimbursement of expenses in accordance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, the standing orders of this Court, and the guidelines, practices and customs of the U.S. Trustee. Where appropriate, Dinsmore may engage third-party providers to perform specific services. As with Dinsmore's hourly rates, the cost and expense schedule is generally updated on or about January 1 of each year. The current rates for these charges are set forth in Exhibit "A" to the Stockl Declaration.

1 **VI. CONCLUSION**

2 WHEREFORE, the Trustee respectfully requests that this Court enter an order authorizing
3 it to retain and employ Dinsmore, as general bankruptcy counsel, as more fully described herein,
4 effective as of October 23, 2024 for the Case, with compensation to be paid as an administrative
5 expense in such amounts as this Court may hereinafter allow and order paid.

6
7 Dated: November 20, 2024



Richard A. Marshack,
Chapter 7 Trustee

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9
10 **Prepared and submitted by:**

11 DINSMORE & SHOHL LLP

12
13 By: /s/ Matthew J. Stockl
14 Yosina M. Lissebeck
15 Matthew J. Stockl
16 Proposed Counsel to the Chapter 7 Trustee,
17 Richard A. Marshack
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EXHIBIT "A"

Proposed Order

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Yosina M. Lissebeck (State Bar No. 201654)

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matthew.stockl@dinsmore.com

Proposed Counsel to the Chapter 7 Trustee,
Richard A. Marshack

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SANTA ANA DIVISION

In re:

Kristina Lynn Smith,

Debtor.

Case No. 8:24-bk-12527-TA

Chapter 7

**ORDER APPROVING APPLICATION
PURSUANT TO 11 U.S.C. SECTION
327(a) AUTHORIZING THE RETENTION
AND EMPLOYMENT OF DINSMORE &
SHOHL LLP AS GENERAL
BANKRUPTCY COUNSEL FOR
CHAPTER 7 TRUSTEE RICHARD A.
MARSHACK**

1 The Bankruptcy Court having reviewed the Application (the “Application”) of chapter 7
2 trustee, Richard A. Marshack (the “Trustee”), for the above-captioned debtor (the “Debtor”) for
3 authority to retain and employ the law firm of Dinsmore & Shohl LLP (“Dinsmore”) as counsel
4 for the Trustee, and the Bankruptcy Court finding that notice of the Application was proper, that
5 no objection to the Application was timely made, that Dinsmore is disinterested and does not hold
6 any interest adverse to the estate or to the Trustee, and that Dinsmore’s employment is in the best
7 interest of the Trustee and the within bankruptcy estate, and good cause appearing therefor:

8 **IT IS ORDERED** that the Application be, and hereby is, granted.

9 **IT IS ORDERED** that the Trustee is authorized to employ Dinsmore effective as of
10 October 23, 2024 to perform the services set forth in the Application, with compensation to be
11 paid by the within bankruptcy estate pursuant to and upon further Bankruptcy Court approval.

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EXHIBIT "B"

Attorneys' Biographies

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Yosina M. Lissebeck

Partner

yosina.lissebeck@dinsmore.com

San Diego, CA

Tel: (619) 400-0473

As a partner of counsel, Yosina is a highly accomplished professional known for her expertise in insolvency and restructuring cases, as well as commercial and business litigation matters. Yosina is a trusted advisor who has offered invaluable insights and innovative strategies tailored to the unique circumstances of numerous trustees, debtors, companies, receivers, stakeholders, and creditors. Her exceptional problem-solving skills and meticulous attention to detail have led to successful resolutions of complex cases, preserving value for all parties involved. She possesses a versatile skillset as an attorney and has established herself as a skilled litigator, representing clients in court for law and motion matters, evidentiary hearings and trials. Yosina also adeptly handles compliancy issues, contract disputes, fraud claims, and provides valuable assistance with receivership matters. She earned her J.D. from the California Western School of Law.

Services

- Corporate & Transactional
- Bankruptcy & Restructuring

Education

- California Western School of Law (J.D., 1998)
- University of California, Santa Barbara (B.A., 1995)
 - Political Science

Bar Admissions

- California

Affiliations/Memberships

- Member of the Federal Bar Association, San Diego Chapter, Publicity & Bankruptcy Liaison Officer
- Member of the California State Bar Association, Federal Courts Committee
- Member of the San Diego County Bar Association



Publications

January 16, 2024

Debtors Doing Illegal Things

American Bankruptcy Trustee Journal



Matthew J. Stockl

Associate

matthew.stockl@dinsmore.com

Los Angeles, CA

Tel: (213) 596-0008

Matt focuses his practice on representing debtors, secured and unsecured creditors, and other stakeholders in a broad range of matters, including Chapter 11 cases, out-of-court workouts, liquidations, and complex business litigation in both federal and state court.

Matt regularly advises and develops strategies and creative solutions for clients in distressed-debt situations. His experience encompasses all facets of bankruptcy and insolvency, including: Chapter 11 plan restructuring and related litigation, 363 sales, debtor-in-possession financing, priority disputes, fraudulent transfer and preference actions, bankruptcy appeals, acquisitions and sales of distressed assets, assignments for the benefit of creditors, Uniform Commercial Code Article 9 foreclosure sales, and all phases of commercial disputes, ranging from pre-litigation demands to litigation of commercial claims and defenses.

Matt clerked for the Honorable Janet S. Baer, United States Bankruptcy Court, Northern District of Illinois. Matt also served as a law clerk for the Honorable Robert E. Littlefield, Jr. (Chief Judge), United States Bankruptcy Court, Northern District of New York, and as a judicial intern for the Honorable Cecelia G. Morris, United States Bankruptcy Court, Southern District of New York.

Services

- Corporate & Transactional
- Bankruptcy & Restructuring

Education

- Albany Law School (J.D., *cum laude*)
- McGill University (Bachelor of Commerce)

Bar Admissions

- California
- Illinois
- New York

Court Admissions

- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the District of Nebraska
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Western District of Wisconsin

Affiliations/Memberships

- American Bankruptcy Institute
- Association of Business Trial Lawyers

Distinctions

- *Best Lawyers*®
 - "Ones to Watch" in Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law (2021-2024)
- Illinois Super Lawyers - *Rising Star*®
 - Bankruptcy (2019-2021)
- National Conference of Bankruptcy Judges' Next Generation Program (2017)

Languages

- French
- Spanish

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Dinsmore & Shohl LLP
550 S. Hope Street, Suite 1765
Los Angeles, California 90071

A true and correct copy of the foregoing document entitled (*specify*): ***Application Pursuant to 11 U.S.C. Section 327(a) Authorizing the Retention and Employment of Dinsmore & Shohl LLP as General Bankruptcy Counsel for Chapter 7 Trustee Richard A. Marshack*** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **November 21, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **November 21, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **November 21, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 21, 2024 Katrice Ortiz
Date Printed Name

/s/ Katrice Ortiz
Signature

In re Kristina Lynn Smith
Case No. 8:24-bk-12527-TA
U.S.B.C., Central District of California
Santa Ana Division

I. TO BE SERVED VIA NOTICE OF ELECTRONIC FILING (NEF):

- **Richard G. Heston** rheston@hestonlaw.com, yflores@hestonlaw.com, docs@hestonlaw.com, HestonRR41032@notify.bestcase.com, hestonlaw@recap.email
- **Richard A Marshack (TR)** pkraus@marshackhays.com, ecf.alert+Marshack@titlexi.com
- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov
- **Julie J Villalobos** julie@oaktreelaw.com, oakecfmail@gmail.com; villalobosjr51108@notify.bestcase.com; gus@oaktreelaw.com
- **Jennifer C Wong** bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com

II. SERVED BY UNITED STATES MAIL:

Debtor:

Kristina Lynn Smith
27591 Kathy Ct
Laguna Niguel, CA 92677-6025

United States Trustee (SA)

411 W Fourth St., Suite 7160
Santa Ana, CA 92701-4593

III. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, OR EMAIL:

U.S. Bankruptcy Court:

Honorable Theodor Albert
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5085 / Courtroom 5B
Santa Ana, CA 92701-4593